IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3257 OF 2006

Dagdubai Saudagar Anwate & ors. Applicants
versus
State of Maharashtra Respondents

P.R.Arjunwadkar for applicants.
Miss R.M.Gadhavi, APP for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 18th September 2006

PC :

1. Each of the applicants before me are women accused and are arrested in connection with CR No.97 of 2006 registered with Tembhurni Police Station for offences punishable under sections 306, 498A r/w 34 IPC..

2. The deceased Sunita was married to one Santosh Anwate. The first applicant is the mother-in-law of the deceased whereas second and third applicants are the sisters-in-laws.

3. The marriage was solemnized on 31st December 2003. The statement of the complainant and

father of the deceased is that after the marriage the deceased was residing with the in-laws and husband for six months. Thereafter, she comes with a complaint that in-laws are demanding a sum of Rs.20,000/- and if that amount is not paid, she had every apprehension that she would be harassed physically and tortured mentally. The amount was not paid and therefore, she was continuously abused and assaulted. There were other demands as well. The deceased returned to her father's place in 2004 and thereafter once again complained that the in-laws are not treating her properly. They are abusing her and because she is not working, they are forcing her to starve herself. The father of the deceased had then paid Rs.10,000/- but the demands persisted. It is alleged that on 25th July 2006 the deceased succumbed to burn injuries which were caused to her on that date.

4. Upon these allegations all the applicants were arrested. The investigations are going on and the learned Trial Judge, therefore, refused to enlarge on bail.

5. Shri Arjunwadkar submits that even if the allegations are taken at their face value and

prima facie case exists against the applicants, it is not as if the applicants do not deserve to be enlarged on bail. He submits that the learned Trial Judge has erroneously observed that as the applicants are accused of serious offences which are against the society and if bail is granted, then there is every possibility of tampering with the prosecution witnesses. The investigations are not complete is also no bar in law.

6. Learned APP has handed over to me a compilation of the statements recorded till date including the post mortem report. All the statements that are referred to by the learned Judge in his order, are on record. So also the post mortem report. The learned APP does not dispute that the applicants are women accused. She also does not dispute the fact that merely because they are accused of committing serious offences, it is not as if they cannot be enlarged on bail. However, she submits that the investigations are going on.

7. After taking an over all view of the matter and merely because investigations are incomplete I am of the view that it would not be proper to deny the applicants bail. There is no material

to show that they will tamper with the witnesses or obstruct the conduct of investigation. They were all residing together. Now, the husband and father in law have been arrested and no bail application is filed on their behalf. The trial is likely to take some time and it is not as if these women accused will not be available for the trial. They are permanently residing in their Villages.

8. In such circumstances, the applicants deserve to be enlarge on bail. Hence following order.

9. ORDER :-

(i) The applicants shall be enlarged on bail in connection with C.R.No.97 of 2006 registered with Tembhurni Police Station, District Solapur subject to furnishing a personal bond of Rs.10,000/-(Rs.Ten thousand only) with one or two sureties each in the like sum;

(ii) The applicants shall report to Tembhurani Police Station once in a week;

(iii) The bail is granted till charge sheet is filed and thereafter subject to further orders of

the Trial Judge;

(iv) The applicants shall not change their present residence without prior intimation to the Investigating Officer;

(v) The bail is granted subject to condition that the applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(vi) The applicants shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail;

(vii) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial.

(viii) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)